

### **REMARKS**

The claims have been amended to place them in a format more customary to U.S. patent practice. Support for the amendments to claim 1 can be found for example in original claims 6, 7, 8, 13 and 14. Support for new claims 17 and 18 can be found in original claim 5. No new matter has been added.

### **Claim Objections**

The claims have been amended to remove the phrase "chosen from". However, regarding use of Markush language, see MPEP 2173.05(h).

### **Rejections under 35 USC §112**

The amendments to the claims render the rejections under 35 USC §112 moot. Thus, it is respectfully requested that the rejection be withdrawn.

### **Rejections under 35 USC §103**

Claims 1-3 and 5-9 stand rejected under 35 USC 103(a) as allegedly being obvious over Tsukada (US 5,840,705) in view of Moint (US 6,143,787). The rejection is respectfully traversed.

Tsukada is relied upon for teaching acarabose for the treatment of NIDDM. Tsukada does not teach (ii) an acid according to claim 1, nor does Tsukada disclose or suggest miglitol, voglibose or emiglitate.

Moint is relied upon for teaching use of 2-benzyl-4-(4-fluorophenyl)-4-oxobutanoic acid for the treatment of NIDDM. Moint does not disclose or suggest miglitol, voglibose or emiglitate.

Taken together the references would in no way lead one skilled in the art to arrive at the compositions of the present invention since neither Tsukada nor Moint teach or

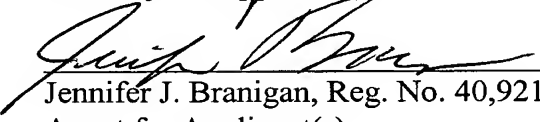
suggest miglitol, voglibose or emiglitate. The references are particularly silent regarding a combination of miglitol, voglibose or emiglitate combined with a salt (ii) according to claim 1.

Thus, it is respectfully requested that the rejection be withdrawn.

No fee is believed to be due with this response, however, the Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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